

FEE TRANSMITTAL
for FY 2005

Effective 01/01/03, patent fees are subject to annual revision

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**1,380.00****Complete if Known**

Application Number	09/756,386
Filing Date	January 8, 2001
First Named Inventor	PETITE, Thomas D.
Examiner Name	Barnie, Rexford N.
Art Unit	2643
Attorney Docket No.	STAT1021

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OCT 21 2004
Technology Center 2000**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number

20-1507

Deposit
Account
Name

TROUTMAN SANDERS LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid

Total Claims		- 20** =		X		=	
Independent Claims		- 3** =		X		=	
Multiple Dependent						=	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR after Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	985.00
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Director	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	395.00
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
* Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$)					1,380.00

SUBMITTED BY

Name (Print/Type)

James E. Schutz

Registration. No.
(Attorney/Agent)

48,658

Telephone

404-885-3498

Signature

Date

October 15, 2004

WARNING: Information of this may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

OCT 15 2004

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**Request
For
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/756,386
Filing Date	January 8, 2001
First Named Inventor	PETITE, Thomas D.
Group Art Unit	2643
Examiner Name	Barnie, Rexford N.
Attorney Document Number	STAT1021

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
- i. ☒ Consider the amendments in the Appeal Brief or Reply Brief previously filed on May 26, 2004
- ii. ☐ Other
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-1507
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17
- iii. ☐ Other
- b. ☒ Check in the amount of \$ 1,380.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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OCT 21 2004

Technology Center 2600

10/19/2004 EFLORES 00000126 09756386

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395.00 OP

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>James E. Schutz</i>	Date	October 15, 2004
Name (Print/Type)	James E. Schutz	Registration No. (Attorney/Agent)	48,658

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>James E. Schutz</i>	Date	October 15, 2004
Name (Print/Type)	James E. Schutz		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MPEP § 706.07(h). Applicant respectfully submits that the arguments and evidence contained in the Appeal brief place the Application in condition for allowance.

Applicant respectfully submits that the arguments and evidence submitted in the previously filed Appeal brief is a complete response to the Final Office Action mailed 2 January 2004. Applicant also respectfully submits that pending Claims 33, 35-50, 52-55, and 57-73 are patentable over the cited references.

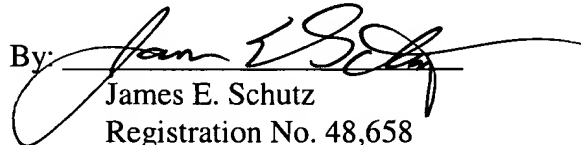
Further, Applicant respectfully submits that this RCE is timely filed. The United States Patent and Trademark Office received Applicant's Notice of Appeal on 15 March 2004 setting a two-month *non-statutory* deadline of 15 May 2004 for the Appeal brief. As 15 May 2004 was a *non-statutory* deadline, five months of additional time are allowable pursuant to 37 C.F.R. 1.136(a). Applicant filed the Appeal brief on 26 May 2004 and the Examiner subsequently dismissed the Appeal on 1 October 2004. Since the period for filing the Appeal Brief has not passed, the Application is believed still pending through at least 15 October 2004, or seven months beyond the Notice of Appeal. Thus, Applicant files this RCE with a five month extension of time to continue the prosecution of this Application.

Applicant submits herewith a check in the amount of \$1,380.00. This amount includes the RCE small entity fee of \$395.00 and a small entity five month extension of time fee of \$985.00. Since Applicant filed the Appeal brief on 26 May 2004 with a one-month extension fee (\$55.00), Applicant has deducted \$55.00 from \$1,040.00 to calculate a remaining balance of \$985.00 for the five month extension of time fee. Applicant respectfully submits that payment of the full five month extension fee would constitute an overpayment of fees. No other fees are believed due. Nonetheless, the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities that remain in the application which may be corrected by an Examiner's amendment, a telephone call to the undersigned attorney at (404) 885-3498 is respectfully solicited.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: 
James E. Schutz
Registration No. 48,658
Attorney for Applicant

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